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ABSTRACT

This paper analyzes the concept of equal opportunity and its relationship to equity, justice, and educational policy. It argues that there is no single concept of equal opportunity but several alternative conceptions. Nevertheless, it is possible to provide a basic framework and terminology within which these alternative conceptions can be discussed and compared. General comments are made that assess the importance of a principle of equal opportunity for the distribution of educational benefits, and, conversely, the importance of a clear conception of education for an understanding of what equal educational opportunity entails. Finally, the paper suggests that equal opportunity, as a procedural principle of justice, is indeterminate with regard to a broad range of educational and social outcomes and that it must be supplemented by other normative principles and criteria. (Author)

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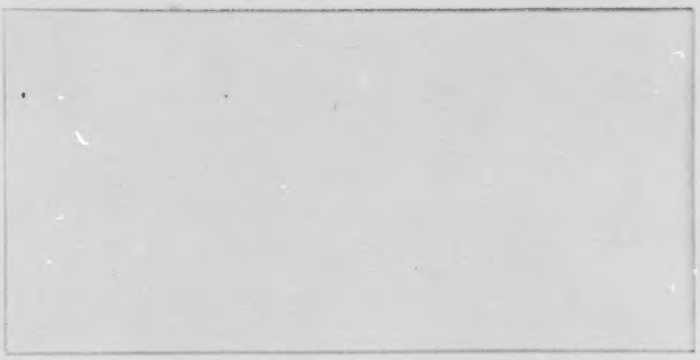

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EQUITY, EQUAL OPPORTUNITY, AND EDUCATION

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EQUITY, EQUAL OPPORTUNITY, AND EDUCATION

Abstract

In this paper we present an extended analysis of the concept of "equal opportunity" and its relationship to equity, justice and educational policy. We argue that there is no single concept of equal opportunity, but several alternative conceptions; nevertheless, it is possible to provide a basic framework and terminology within which these alternative conceptions can be discussed and compared.

We end with some general comments which assess the importance of a principle of equal opportunity for the distribution of educational benefits, and, conversely, the importance of a clear conception of "education" for an understanding of what "equal educational opportunity" entails.

Finally, we suggest that equal opportunity, as a procedural principle of justice, is indeterminate with regard to a broad range of educational and social outcomes and that it must be supplemented by other normative principles and criteria.

PART I

INTRODUCTION

1.1 Statement of the problem

Since the 1954 Supreme Court decision in Brown vs. the Board of Education, issues of equity and equal opportunity for education have been a major concern of teachers, administrators, and educational researchers and policy makers.[1] Many of the most widely discussed and controversial debates in education, from Brown to Bakke, have grown out of diverse assumptions about equality and equal opportunity; educational philosophers and theorists have devoted thousands of pages to the review and analysis of these assumptions. Therefore, we take it as no trivial task to explain and justify, at the outset, the addition of our analysis to an already-overswollen body of literature.

While several authors have written, and written quite lucidly, on certain aspects of the issue of equal opportunity for education,[2] there has not been a thorough and comprehensive philosophical analysis and critique of the concepts of "equity" and "equal opportunity" and related issues in education. In 1969, the dean of American philosophy of education gave the rallying cry:

> The concepts of justice and equality that are latent in much of our educational policy need to be brought out and analyzed in more detail, particularly in their relation to factual data on the presence or absence of equality in schools and in educational opportunity.[3]

Yet today, ten years later, the National Institute of Education is still calling for "better educational equity theory".[4] Our paper is an attempt to treat these issues in a precise and systematic way. It is not our concern to justify the principle of equal opportunity, nor to argue for any particular

interpretation of what it means and how it should be applied. These issues would require book-length treatment; moreover, as we note in our conclusion, we have serious reservations about the adequacy of equal opportunity, taken alone, as a principle of educational policy. This paper, therefore, is intended as a review of the major conceptual issues that have been raised about equal opportunity, and an analysis of the key terms and value assumptions which underlie these issues. Our primary purpose is to provide a conceptual map or framework to guide and direct future discussions of the subject. That task is ambitious enough. We do not presume to have resolved the key disputes; but to whatever degree our paper stimulates clear-headed discussion we will have made a considerable contribution.

We regard the concepts of "equity" and "equal opportunity" primarily as they apply to the distribution of educational resources, but they are not issues of concern solely to educators. We often speak of equal opportunity in other areas, such as employment. We hope that by making the meaningor, more accurately, meanings of "equal opportunity" more clear, its implications for education and for other areas of life can be assessed with relative ease.

1.2 Outline of the paper

Equal opportunity is, we believe, most fruitfully regarded as a principle of justice. We maintain that relating the principle of equal opportunity to formal and material principles of distributive justice allows a more coherent organization of the range of issues usually identified as problems of equal opportunity. In fact, we define "equity" in terms of these formal and material principles of justice, suggesting that "equal opportunities" are really "equitable"

opportunities". While a brief discussion of rights is relevant to our analysis, especially in pointing out where presumed human rights might constrain what society can do to provide equal opportunities, rights will not be a major concern in this paper. Rather, we will begin to discuss what we can talk about by delimiting what we cannot talk about within the scope of the paper (see Part II).[5]

Following a brief discussion of rights, we offer a review of the Aristotlean Principle and distributive justice, including the Equality Principle and the Fairness Principle. We devote particular attention to the problem of identifying and justifying relevant characteristics as a basis for any distribution; these relevant characteristics can be categorized under the headings of merit and need (see Part III).

There have been few careful analyses of what it means to have an opportunity, yet careful consideration of this concept is essential for any progress in determining the comprehensive meaning of an "equal opportunity". We ask what it means for someone to "have" an opportunity, and what it means to "provide" an opportunity to someone who does not "have" one; we conclude that "opportunity" is an evaluative, as well as a descriptive, label (see Part IV).

Finally, we return to the concept of an "equal opportunity" and to the question "how do we know when opportunities are equal?"[6] There is not one answer, but several, arising in part from fundamentally different interpretations of "equal opportunity". We hope that the typology of interpretations developed in this section will be of particular benefit in clarifying future discussions of these issues. If disputants cannot come to common agreement, at least they can be clear about where they differ, and in how these differences arise from basic assumptions; it is with this purpose in mind that we write this paper (see Part V).

1.3 Caveats and clarifications

In our concluding section, we express certain doubts about the adequacy of the principle of equal opportunity, under any of its interpretations, to stand alone as a principle of educational policy. In fact, we believe that educational decisions, from broadest policy to the daily choices of the classroom teacher, must be guided by other normative principles as well (see Part VI).

By clarifying the range of interpretations of an "equal opportunity", we do not mean to draw attention to it as the sole basis of educational policy; on the contrary, we expect that a clearer analysis reveals its limitations, as well as its qualifications, as an educational principle. The principle of equal opportunity is, we conclude, a necessary, but not sufficient basis for policy. A fuller development of this argument, however, has been left for a later paper;[7] the conceptual analysis presented here is fundamental to any such argument.

PART II

RIGHTS

2.1 Equal opportunity and rights

It is impossible to abstract any discussion of equal opportunity entirely from a wider framework of legal, natural, or human rights. Not only is the language of equal opportunity tied closely to this framework, in terms like equality, fairness, merit and need, but the very structure of the principle of equal opportunity depends upon the different weights assigned to presumed rights in a given society. For example, presumed rights of equality need not be the sole factor in determining the configuration of a just distribution. The fact that persons are equal in certain "relevant" respects may not in itself entail equal distributions among them. There may exist a wider framework of rights which conflicts with such an equal distribution, rights which cannot be abridged without severe consequences for social ideals or for a broader conception of social justice.

For instance, Robert Nozick outlines a theory of rights that concentrates almost exclusively on the just acquisition of property, and that eliminates any prospect for socially coerced redistribution:

> The major objection to speaking of everyone's having a right "to" various things such as equality of opportunity, life, and so on, and enforcing this right, is that these "rights" require a substructure of things and materials and actions; and "other" people may have rights and entitlements over these...The particular rights over things fill the space of rights, leaving no room for general rights to be in a certain material condition.[8]

As another example, John Rawls argues for a theory of distributive justice in which civil and political liberties have a distinctive priority in determining

the distribution of certain primary goods, but in which equality of opportunity plays a significant role in moderating the extent of allowable economic inequalities. In his theory of justice he ranks his principles according to the following priorities:

> First Principle
> Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.
>
> Second Principle
> Social and economic inequalities are to be arranged so that they are both:
>
> (a) to the greatest benefit of the least advantaged, consistent with the just savings principle and
>
> (b) attached to offices and positions open to all under conditions of fair equality of opportunity.[9]

There may be a conflict between fundamental rights and equality of opportunity, but not so severe as that drawn by Nozick. However, it is not always the case that a person's rights conflict with the demands of equal opportunity. Ronald Dworkin, for example, has made a strong case that the fundamental right of persons to "equal concern or respect" is instrumental in defending against prejudicial or unfair discrimination.[10] This right justifies certain types of preferential treatment and thus provides a basis for the concept of compensation which is at the heart of most claims for equality of opportunity.

While we recognize that certain presumed human rights may conflict with, and constrain, the application of any principle of equal opportunity, we have left a fuller discussion of rights outside the scope of this paper. Nevertheless, issues of rights stand astride many discussions of equal opportunity, and the relative weights assigned to different presumed rights can often influence which interpretation of "equal opportunity" one might adopt.

2.2 Equal opportunity, viewed outside the context of rights

Despite claims such as Nozick's, above, equal opportunity is not best conceived as a right in itself, but as part of a theory of distributive justice. After careful study of the use of "equal opportunity" in educational literature, we are convinced that its meaning relies on definitions of "relevance", "merit", "need", and "compensation" which themselves rely on a fuller conception of justice. A theory of rights might be developed that would include equality of opportunity as a "basic" right, but, as already noted, that is not our concern here. The principle of equal opportunity could tolerate many types of justification without varying in its meaning and basic prescriptions.[11]

Nevertheless, the relation of equal opportunity to various rights is relevant to this paper at nearly every point. Most generally, equal opportunity can itself be regarded as a compromise between rights of equality and liberty; a compromise in that something is equalized between persons (namely, opportunities) without undermining the basic liberty of persons to determine their own choices. Or, as Nozick claims, the redistribution of certain material goods may be a necessary condition for providing persons with equal opportunities, and this redistribution may be constrained by certain property rights. As a final example, in planning preferential treatments it may conflict with certain individual rights to consider some personal characteristics relevant (such as race, as claimed in the Bakke case).[12] We raise these examples to show the importance of alternative theories of rights for any theory of justice, including theories of equal opportunity; we treat this problem at length in another paper.[13]

PART III

JUSTICE

3.1 The meaning of "equal" in "equal opportunity"

Consider two athletes preparing to run a race. Imagine that they are of similar abilities and training: do they have an equal opportunity to win? Most of us would agree that they do. But imagine instead that they are of vastly different abilities: do they have an equal opportunity to win? Yes, some would say, by virtue of the fact that the rules of the race are the same for both. No, others would say, because the likelihoods of their winning are not the same. There is a fundamental difference in outlooks here, one which we explore more fully in Part V, but both of these views interpret the "equal" in "equal opportunity" to mean "the same" or "identical". If we were to give some sort of compensation to the athlete of lesser ability, say, a ten-yard head start, then at least some persons would claim that there is a more equal opportunity between the two runners than there was before. In this case, however, the opportunities of the two athletes are not identical, but different, although they are fair, given the relevant difference of athletic ability between the two runners (a head start because one runner is blue-eyed would be unfair, because of course that difference is irrelevant). We are referring to an equal opportunity to win the race; one might be concerned only with providing equal opportunities to participate in the race, regardless of who wins. This example suggests that the use of "equal" in "equal opportunity" is somewhat ambiguous, since it is used to mean both "equal" (the same) and "fair" (different, but appropriate). In this section we analyze the meanings of "equal" and "fair" in discussions of equal opportunity; we conclude that a better

understanding would result if "equal" was not used to cover both meanings. We prefer the use of "equitable" to mean "both equal and fair".

Underlying the use of "equal" and "fair" in this context is a principle of distributive justice whose history may be traced to Aristotle, and which is usually called the Equality Principle: treat equals equally, and unequals unequally. Actually, the second clause of the Equality Principle is, with certain restrictions, a Fairness Principle. Yet, treating equals equally, or unequals unequally, lacks significance until one has made clear in what respect the persons under consideration are equal or unequal, and why this sameness or difference should be considered at all; treating unequals unequally is fair only under certain circumstances. The Equality and Fairness Principles are formal principles whose applicability depends upon some determination of relevance in a particular context. In section 3.3 we assess some of the difficulties in making such determinations; for now, a suitable definition of "relevance" is:

> X is relevant if and only if X is actually or potentially related in an instrumentally helpful or harmful way to the attainment of a given end. [14]

3.2 The Equality and Fairness Principles

An absolute separation between the Equality and Fairness Principles is somewhat artificial, because they are complementary principles; in various concrete situations both are necessary for determining a just distribution of goods. The Equality Principle has primacy in that we are generally inclined to prefer an equal (same) treatment for persons even when we are in doubt about relevant similarities or differences between them.[15] Furthermore, the Fairness Principle does not call for any sort of unequal treatment where persons are

unequal, but for "relevantly" unequal treatment, that is, treatment which will expectably equalize some outcome.[16]

Suppose Louise is the captain of a shipwrecked ocean liner, and is responsible for the distribution of food and supplies to the survivors, who are stranded on a tropical island. In the absence of any relevant differences, Louise would, under the Equality Principle, give roughly equal shares to each person (which would constitute equal treatment, where "equal" means "the same"). Of course, the persons on the island are probably not the same: they differ by age, weight, gender, state of health, hair color, and countless other factors. Some of these factors might be relevant to Louise's goal, which is, say, to keep as many persons alive for as long as possible. Differences, therefore, in degree of starvation would be relevant to the goal of keeping persons alive, a goal which may justify, under the Fairness Principle, an unequal distribution of food, namely, more to those who need it most.

We will return to the case of Louise and the tropical island as the theory of distributive justice is developed further. Note that the Fairness Principle, along with the concept of "relevance," stands in opposition to the notion of bias, or differential treatment on the basis of irrelevant differences (in the island example, hair color would certainly be irrelevant to Louise's goal of keeping persons alive, and would constitute a biased criterion for distributing food). The Fairness Principle becomes especially important in cases of scarcity, since if there is more than enough of the goods to be distributed, then a wide range of equal or unequal distributions may suffice to achieve the given end, despite the presence of relevant differences. But, because it is a feature of our world that there is often not "more than enough", determinations of who receives what, and in what amounts, takes on a greater importance; these

determinations rely upon the Fairness Principle and some criteria of relevance.

Suppose that Louise does not have enough food to keep all the shipwrecked survivors alive. If Louise's end is to keep as many as possible alive for as long as possible, then she must make determinations of relevant difference which will include considerations of need (degree of starvation, perhaps, health, or age) and considerations of merit (who is likely to live longest, given a diminished amount of food, for example). Louise may decide that there is no point in giving food to persons who are sick, and may die anyway, when there are otherwise healthy persons who face starvation unless they receive food; this is the classic problem of triage. The point of this extreme and somewhat morbid example is, first, to illustrate the importance of relevance for the determination of what <u>is</u> an equal or fair distribution, and, second, to bring home the seriousness of making such determinations in a world of scarcity.

Equality and Fairness, then, are formal principles which do not themselves provide discrete decision choices in concrete situations; they must be given some material bearing by reference to relevant characteristics, characteristics which will vary in different contexts. Nevertheless, it is possible to provide a more general analysis of "relevance".

3.3. The concept of "relevance"

Common understanding and usage of "relevance" conform closely to the definition presented earlier:

> X is relevant if and only if X is actually or potentially related in an instrumentally helpful or harmful way to the attainment of a given end.

Note that this is a consequentialist view of relevance; something is relevant by virtue of its consequences, either potentially or actually.[17] A fuller discussion of relevance would, as noted earlier, entail some attention to the constraints which rights might place upon what can be considered relevant, regardless of consequences. But that issue is not within the scope of this paper.

Determinations of relevance are highly context-dependent, but this is not to say that they are entirely subjective and relativistic. Situational constraints and available means have much to do with what may count as relevant; consider, in the island example, that there may be some food available on the island for those willing and able to search for it, or that some passengers may be unable to digest solid food, or that some unknown portion of the food has been contaminated and might poison whoever eats it. In each of these cases the special facts of the matter would make a considerable difference in what Louise would consider a relevant basis for the distribution of food under her authority. Because some causally relevant factors will constrain what is possible, determinations of normative relevance must take into account the particular material context.

"Relevance" is a partly evaluative term, too, because a characteristic is relevant only given certain ends, and these ends may differ. Louise has the goal of keeping as many persons as possible alive for as long as possible (these might be considered two goals, which could themselves conflict); one might imagine instead that her goal is to keep the fourteen Nobel Prize winners in the group alive, or to save the youngest members of the group, or to save herself. Any of these goals would require a justification of its own, just as

would the goal(s) which she has chosen; given each goal, Louise would clearly need to change her determination of what is relevant for the distribution of food and supplies. In summary, then, the concept of "relevance" presents an empirical and an evaluational problem (what can be done in a particular context, given available means, and what are the worthy ends to be served?) Hence, given different ends, means, or contexts, perhaps any characteristic might be considered relevant (subject to certain rights-constraints), but this is not the same as saying that determinations of relevance are purely arbitrary, subjective, or stipulative.

3.4 Merit and need

In the definition of "relevance", we noted that some relevant characteristics may be instrumentally helpful, and others instrumentally harmful, to the attainment of the desired end. This distinction, we think, captures well the common usage of "merit" and "need", respectively. Characteristics of merit are those personal features which are helpful to the attainment of the given end; characteristics of need are those which are harmful. Merit is often defined in one of three ways: as ability, as effort, or as achievement (for example, one might consider any of these a meritorious basis for a grading system in school). Each of these three categories, of course, must be justified as relevant in a given context. In a sense, achievement can be viewed as the net "sum" of effort and ability, in that high ability/low effort achievement may turn out to be the same as low ability/high effort achievement.

In practice, considerations of merit and need, insofar as they might serve different ends, may conflict. Suppose that Louise has several ends in mind, and not merely that of keeping the greatest number alive for as long as possible.

The characteristics of the survivors might be highly differentiated, from the standpoint of both merit and need: perhaps Louise does have some Nobel Prize winners, and some pregnant women, and some children, and some sick persons, etc., and perhaps some persons share several of these characteristics. On the basis of different considerations of merit or of need, arising from different priorities among the ends to be served, each survivor might receive vastly different shares in the distribution of food and supplies. We stress here how much a practical discussion of justice (which is the basis for most conceptions of equal opportunity) relies upon the determination of relevant characteristics of merit and need, and upon the way in which these characteristics are weighed against one another, given different ends to be served (ends which must be justifiable in their own right).

3.5 Distributive justice and equity

We have defined a basic terminology for discussing issues of justice and equal opportunity. Any of these concepts deserves fuller analysis than we can provide here, but we hope that the fundamental distinctions are clear enough for the purpose of developing the framework of Part V. We have avoided an extended normative discussion of how these various principles might be justified for the sake of making their basic meanings and inter-relationships more clear. To review briefly: (1) The basic formal principles of Equality and Fairness are indeterminate until one has judged which relevant characteristics ought to be considered in making an equal or fair distribution; (2) Personal characteristics are relevant by virtue of their instrumentality towards given ends, ends that must be justifiable in their own right; (3) The determination of relevance is a partly empirical, partly evaluative, issue that depends upon

contextual constraints, available means and alternatives, and the ends one means to serve; (4) Relevant characteristics can be classified as features of merit or of need.

We have already pointed out that this view of justice is consequentialist; that is, what is relevant depends upon the expectable consequences of different distributions. The bias of this theory of justice towards utility and efficiency is intentional; it expresses best, we believe, the normative infrastructure underlying most discussions of equal opportunity. We are fully aware that alternative conceptions are possible, with different justificatory schemes. In fact, we would subscribe to a fundamentally different view of justice. But for the purpose at hand, namely the development of a summary conceptual framework that synthesizes the key issues raised in discussions of equal opportunity, we find that this approach conforms well to the usual conceptual and normative assumptions.

We began this section by suggesting that, strictly speaking, the use of "equal" in "equal opportunity" is ambiguous, because it is often used to mean "fair" (i.e., not the same, but different, appropriate, opportunities). For the sake of clarity and consistency, we propose that a more accurate term is "equitable opportunity", where "equitable" means both "equal, relative to those who are relevantly the same" and "fair, relative to those who are relevantly different", as in the theory of justice outlined above. "Equity" is often used this way in economic theories of taxation,[18] where "horizontal equity" means equal treatment and "vertical equity" means fair treatment; here "equity" combines quite well the significance of both the Equality and Fairness Principles (although, as we discuss later, different conceptions of an "equitable opportunity"

place different degrees of weight upon one principle or the other). Before considering these alternative conceptions of an equitable opportunity, we will discuss the distinct concept of "opportunity", a concept that has been largely taken for granted or ignored in previous discussions of "equal opportunity".

PART IV

OPPORTUNITY

4.1 Opportunity and liberty

The problem of defining what it means for someone to "have an opportunity" is both subtle and complex. In this section of the paper we consider the problem in detail, but a few general comments will be helpful at the start. There is a fundamental difference between equality in education and equal opportunities for education; the latter places greater emphasis upon individual liberty and self-determination.[19] An opportunity is a kind of choice, and respect for the right of free choice underlies most conceptions of equal opportunity:

> An opportunity may be said to occur when an agent is in a situation in which he may choose whether or not to perform some effortful act which is considered to be desirable in itself or is a means to the attainment of some goal which is considered to be desirable.[20]

In fact, as Robert Ennis has noted, many disputes over equal opportunity reduce to disagreements over what it means to have an opportunity,[21] and these disagreements can run quite deep, because they touch upon strongly-held assumptions about human will and freedom. In the discussion that follows, therefore, keep in mind that one of the reasons equal opportunity has become such a controversial issue is that its adoption as a social principle rests upon other controversial beliefs about human nature.

4.2 Opportunity and access

An opportunity is not merely a choice; we can choose to do many things that we cannot in fact do (hence which we do not have the opportunity to do). At the same time, an opportunity is less than a likelihood;[22] we can have the opportunity

to do many things which we may be extremely unlikely to do (skydiving, for example). Closest of all, perhaps, is to say that an opportunity is a chance to do something, but this common-sense definition only moves the question back one step; what does it mean to have a "chance"?

We have concluded that to have an opportunity for X means to have access to X, where "access" can be given a strictly defined meaning[23] and where X is some desired goal or activity. In the definition of "opportunity" quoted in section 4.1, the situation in which the agent stands is not given a full description; yet it is precisely this situation which determines whether there is an opportunity or not.

Ennis has suggested an analysis of "opportunity" solely in terms of what he calls "environmental" (as opposed to "personal") factors; he likens this distinction to the more common terminology of "external" versus "internal" factors.[24] But the two sets of terms do not necessarily pick out the same features of a situation. He states that: "having an opportunity to do z consists of the presence of positive factors [environmental facillitators] combined with the absence or insufficiency of negative factors [environmental deterrents]."[25] This analysis, however, neglects the fact that not all external factors are environmental and not all personal factors are internal; there are "external personal" factors as well (e.g., certain traits and abilities). Considering opportunity as access makes this point clear.

Imagine that a box of candy is on a shelf ten feet above the ground (with no ladders or other implements available). In order to have an opportunity to eat the candy, one must have access to the candy. The fact that the candy is on a shelf so high is a condition of access; it is an environmental, and external, factor. This condition of access determines that a necessary criterion

of access to the candy is the ability to jump and reach ten feet; a person five feet tall would almost certainly not have access to the candy, hence would have no opportunity to eat the candy. The criteria of access in this case, height and jumping ability, are personal factors, but they can hardly be called internal; they are criteria of access precisely because of certain environmental conditions. We propose setting aside the "environmental/personal" distinction for the sake of the "external/internal" distinction, with the external factors to include conditions of access (which are environmental factors) and criteria of access (which are personal factors). With this addition, Ennis' analysis becomes more complete: having an opportunity to do z consists of the presence of external facilitators (including conditions and criteria of access) and the absence or insufficiency of external deterrents. Phrased this way, the definition makes more clear that a person's opportunity can be negated either because the conditions of access are too severe, or because that person does not possess the criteria of access entailed by those conditions.

What Ennis' analysis made admirably clear, however, is that internal factors are not constitutive of an opportunity. Ralph Page, in an insightful paper, explores in detail what these "internal" factors might be.[26] It is a fundamental feature of an opportunity that it can be ignored or passed up.[27] Therefore, the processes of choice or volition that are necessary for the exercising of an opportunity cannot be made part of the definition of an "opportunity" without a serious inconsistency. Page carefully explores in what sense an opportunity is "up to" the agent; in particular, he cites two factors. First, there must not be any "overwhelming incentives" in favor of, or against, taking the opportunity--or the agent must not believe that there are (a person with a gun pointed at him/her can hardly be said to have an opportunity to refuse to hand

over money). Second, the agent must also _will_ to take advantage of the opportunity:

> Opportunities taken or declined _as_ opportunities are volitional actions. They are actions resulting not just from the intentions of the subject, but also from his will. Opportunities do not present reasonably acting people with overwhelming incentives for rejection, or acceptance; but then neither do they relieve the requirement for volitional ability in order to take advantage of them.[28]

4.3 Opportunity, decision, and effort

The distinction between external and internal factors, outlined above, and the further distinction of external factors into environmental _conditions of access_ and personal _criteria of access_ are carefully chosen, in order to make possible a fuller account of what it means to have an opportunity to do X:

> A person has the opportunity to do X if and only if, given the existing conditions of access and the criteria of access which the person possesses, the person's willing to do X would be sufficient for his/her doing X.

With this definition, the constraints upon opportunity can be spelled out in a general way: either the conditions of access are too stringent or the person lacks those traits and abilities (the criteria of access) necessary for overcoming those conditions. It is _not_ a constraint upon opportunities that persons may not will to take advantage of them; on the contrary, such a possibility is essential to the meaning of "opportunity".

The ability to decide, and the role of effort in carrying out decisions, are especially controversial in determining when an opportunity exists. In the first case, persons can decide to do something and then not do it: this is a version of the problem of "weakness of the will" (for example, the common ordeal of quitting cigarettes). By calling decision an "ability", we have already hinted at our conclusion: the ability to decide is a criterion of access, and

distinguishable from the internal process of volition which is not constitutive of an opportunity; in other words, an opportunity cannot be said to exist when there are constraints upon a person's ability to decide (e.g., lack of information, pressure, or confusion). As illustrated by the example of weakness of the will, deciding must be distinguished from willing, so that if an agent does decide to do X, and if other criteria of access are fulfilled, then willing would be sufficient for the agent's doing X.

The second case, effort, is more difficult, because "effort" is used to mean both "will" and "exertion". Clearly, the degree of effort necessary for taking an opportunity can influence how likely a person might be to take it: consider the relative likelihoods that a six-foot-tall person and a seven-foot-tall person would reach the candy on the ten-foot-high shelf. Therefore, if one means by "effort", "necessary exertion", then constraints upon a person's making the effort to take an opportunity (e.g., health, emotional moods, self-confidence) are constraints upon whether or not an opportunity exists for that person. If, on the other hand, one means by "effort", "will" or "will power", then it constitutes part of those internal personal characteristics which cannot be part of what it means to have an opportunity without subverting the meaning of "opportunity" itself.

The consideration of such subjective factors as decision, effort, choice, and willing is critical for a full understanding of the concept of "opportunity". In particular, they require that we evaluate an opportunity, at least in part, from the standpoint of the agent under consideration. The different interpretations of an "equal opportunity" often differ most strongly in their interpretation of, and emphasis on, some of these subjective factors.

Furthermore, there is a strong normative component in determinations of an agent's opportunity, arising from the degree of responsibility attribued to the agent. That is, many persons, before identifying whether or not an agent has an opportunity, want to know whether or not the agent's lack of certain criteria of access is the result of accident, misfortune, malicious or benign neglect on the part of some other person, or the subject's own misjudgment or sloth. In the event that the agent is judged to have some responsibility (or blame) for his/her own inadequacy, some persons would conclude that the agent already had an opportunity, but wasted it", and is therefore not deserving of further assistance. The strong evaluative component in such judgments is, we trust, self-evident.

4.4. Opportunity as access

> A person has the opportunity to do X if and only if, given the existing conditions of access and the criteria of access which the person possesses, the person's willing to do X would be sufficient for his/her doing X.

This definition, we believe, presents a clear and coherent analysis of what it means to "have an opportunity". The existence of an opportunity for a person depends upon whether or not the person has access to X or to doing X; this access, in turn, is determined by the conditions of access and certain criteria of access (traits and abilities) which the person possesses. The existence of an opportunity for a person does not depend on whether or not the person actually takes the opportunity, unless the person's failure to take advantage of an opportunity is due to some factor other than volition. Therefore, providing an opportunity to someone who does not have one may entail changing the conditions of access or supplementing the person's criteria of

access; but it could not include any attempt to "compensate" for the person's unwillingness to take the opportunity. In fact, bypassing that volitional process would mean that one was no longer discussing an "opportunity" at all.

Often, criteria of access which a person must possess in order to have an opportunity are themselves the results of previous opportunities. Any opportunity, whether to do something, to acquire something, or to receive something, is access to a particular treatment, with expectable results, or outcomes. Thus it is sometimes reasonable to ask, in determining whether a person has an opportunity for X, whether or not the person has the criteria of access necessary for X, and if not, whether or not the person had the opportunity to acquire those criteria by some previous treatment (we call this the "transitivity" of opportunity).

The pattern of access-treatment-results (ATR) can be viewed as a cycle. The extent to which opportunity is thought to be a transitive property is another basis of disagreement for differing interpretations of an "equal opportunity". In our discussion of compensation (section 5.3), we show that the use of "ATR" as an analytical unit makes more clear some alternative conceptions of an "equal opportunity" (for example, a school, taken as a whole, provides an ATR--access to certain treatments, with certain results; but a school can also be analyzed into a chain of smaller ATR's--classrooms--which can in turn be analyzed in terms of smaller ATR's--books, etc.). The use of "ATR" draws one analytically into the component and sub-component features of an opportunity setting, in which the results of one treatment constitute the criteria of access for another treatment.

PART V

EQUITABLE OPPORTUNITIES

5.1 Review of the paper so far

In Part III, we discussed the concept of "equal" in "equal opportunity", and found its use ambiguous; instead we suggested the phrase "equitable opportunity" to denote an opportunity which is both equal and fair. In Part IV we discussed what it means to have an "opportunity", which we defined in terms of certain conditions and criteria of access. We now have the conceptual terminology and framework with which to discuss in detail the larger concept of an "equitable opportunity". We repeat that it is not our purpose to argue for an analysis of "equitable opportunity" which is more "correct" or more "just" than previous views, but one which spans the range of most interpretations, while clarifying the conceptual and normative assumptions which underlie those differing interpretations. Briefly stated, our analysis will run as follows: an equitable opportunity is an opportunity which is distributed to individuals in a fair and equal manner, based upon their possession of certain relevant characteristics. These relevant characteristics should be identical to the criteria of access, and it is this identity which establishes the link between equitability and opportunity. Of course, this analysis requires some further elaboration.

5.2 Relevant characteristics and criteria of access

Relevant characteristics, as defined in principles of distribution, are those personal characteristics which are instrumental to the attainment of some given end, and which justify the equal or fair distribution of shares to persons. A distribution of treatments to persons on the basis of irrelevant characteristics

is considered biased. The identification and justification of what is relevant (relative to valued ends) may be fraught with controversy and, even once established, relevant characteristics may support different and conflicting distributions.

Criteria of access, as defined in our analysis of opportunity, are those traits and abilities which persons must possess before they can be said to have access to a particular treatment. If a box of candy is on a shelf ten feet above the ground (so that its position on the shelf is a condition of access), then the ability to jump and reach ten feet is a criterion of access to the candy; in the "real world", a particular condition of access may entail several possible criteria of access, where the criteria of access are necessary for the acquisition of some treatment or benefit. Finally, criteria of access are often themselves the results of prior treatments to which the person had access (that is, a previous ATR).

An opportunity for X is equitable under the following conditions: (1) The opportunity for X is provided to persons in a fair and equal manner, according to their relevant characteristics; (2) These relevant characteristics are identified and justified by their instrumentality towards some given end; (3) The treatment X is helpful (perhaps necessary) for persons to achieve that given end; and (4) The criteria of access to X just are the relevant characteristics already identified. This rather complex formulation can be illustrated by a simple example: suppose that one's valued end is to produce a "good" doctor, under some definition of "good"; that the acquisition of a medical school education (treatment X) is necessary for this end; and that there exists some identifiably relevant personal characteristics which are

also instrumentally related to this end. We can say that someone has an equitable opportunity to acquire a medical education (X) when the criteria of access to medical school are the characteristics relevant to becoming a "good" doctor, and when the person possesses, or has access to a treatment whereby he/she could acquire, these criteria.

5.3 Equitable opportunity and compensation

An equitable opportunity is not the distribution of certain treatments, but of access to those treatments, distributed in an equitable manner. Moreover, if persons lack (and cannot acquire) the criteria of access to those treatments, then they cannot be said to have an opportunity at all, equitable or otherwise. Finally, a person may have an opportunity but not take advantage of it. How then does one "provide" an equitable opportunity?

It is a feature of our formulation that opportunities are either equitable or inequitable only when they are opportunities for treatments which are the object of some social distribution; one might discuss, for example, a person's opportunity to climb Mount Everest, but such an opportunity is really neither equitable nor inequitable insofar as Everest is a wild and distant peak. An inequitable opportunity exists when the criteria of access for X are not identical with the relevant characteristics of an equitable distribution or when persons do not possess those criteria of access and do not have access to treatments whereby they could acquire them; in the former case, the opportunity is not equitable, and in the latter case there is no opportunity at all. For example, if wealth is a criterion of access to medical school but is irrelevant to becoming a "good" doctor, then opportunities for medical school are inequitable, that is, biased in favor of the wealthy; alternatively, if biological knowledge

is a criterion of access to medical school, but some colleges do not have adequate science facilities, then even though the criterion is relevant, students at those colleges without facilities do not have an opportunity for medical school if they cannot acquire the necessary biological knowledge.

Corresponding to these two varieties of inequitable opportunities (namely, that there may be no available opportunity, or that the opportunity may be inequitable), there are two strategies for providing more equitable opportunities. The first strategy, designed to make existing opportunities more equitable, is to change the conditions of access so that previously irrelevant criteria of access are no longer necessary. For example, suppose that law schools, by the structure of hallways and classrooms, create conditions of access which entail irrelevant criteria of access for wheelchair-bound students (that is, criteria which are irrelevant for becoming a good lawyer). Then for law schools to provide these students with more equitable opportunities, they might alter the existing conditions of access so that the irrelevant criteria are no longer involved (here law schools might build ramps, install elevators, widen doorways, etc.--of course, many schools are doing exactly this). Rules of admission (e.g., to professional schools) also constitute conditions of access, in that they require certain criteria on the part of any person seeking access. These rules, therefore, must be justified relative to the ends which the school's treatment is intended to serve, so that the criteria required are relevant to those ends. In many cases it may be necessary to change rules of admission (conditions of access) in order to provide more equitable opportunities. The second general strategy for providing an equitable opportunity concerns those cases where the

criteria of access are quite relevant, but where some persons do not possess them, and do not have the opportunity to acquire them; this second strategy is usually termed "compensation".

5.4 Compensation, merit, and need

Philip Phenix maintains that an "equal opportunity means that each person receives the opportunity that is right for him to have."[29] Phenix expresses an essential feature of an "equitable opportunity": each person's opportunity is equal to (the same as) those of persons relevantly similar to him/her and fair (fitting or appropriate) given his/her relevant differences from others. A diagrammatic view of compensation, then, would look something like this:

A.....1.....I.....X

B.....1.....I.....X

C....2.....I.....X

D....I.....X (Diagram 1)

Persons A,B,C, and D are under consideration for some compensatory treatment intended to provide them with equitable opportunities for X. Their initial starting points represent relevant differences between them; note that A and B start at the same point. The numbers 1 and 2 represent available compensatory options. The purpose of providing A,B,C and D with access to compensations is to bring them up to some common starting point, I, from which they all have an "equal" (same) opportunity to acquire X. But in order to reach I, they must each follow a particular route of access; that is, they require different, fair, opportunities in order to reach that point. Persons A and B have the same compensatory option (number 1) because they are relevantly alike, but this option is

different from the options available to persons C and D, where this difference is fair, that is, expected to equalize some outcome--in this case, their relative positions at I. Persons A,B,C and D have equitable opportunities because they are each treated equally with relevantly similar cases and unequally (but fairly) relative to relevantly different cases. Providing access to X, therefore, sometimes demands providing access to some other treatment first. Here the ATR analysis we suggested earlier is especially helpful: the opportunity for X is an ATR, where X is the treatment to which one wishes to provide access, but this entails providing a prior ATR for at least some persons (person D does not seem to need one). The numbers 1 and 2 represent such compensatory ATR's (for example, supplementary classes in school, special tutors, nutritious meals, etc.) whose expectable results will be the necessary criteria of access to enable A,B, and C to reach I and, from there, X.

In defining relevant characteristics, earlier, we emphasized the two categories of merit and need. When an opportunity for X is equitable, the criteria of access for X will be those merit characteristics which are relevant to the end which treatment X is intended to serve (for example, X may be a medical school training and the desired end may be to produce "good" doctors). However, harmful characteristics, or need, often stand as an obstacle to opportunity: need is the justification for compensation. The commitment of society to compensate some persons in order to make opportunities more equitable is based on the belief that where persons have the personal willingness to acquire some end, and where they have some merit characteristics which qualify them for that end, then their inadequacies, or needs, should not be the sole barrier to their opportunities to achieve that end.

In our definition of equitable opportunity, we emphasized that the criteria of access for X must be relevant, that is, they must be identical to the relevant characteristics which justify the distribution of opportunities for X. Effort provides a very clear example of this identity. In discussing the concept of "merit", we argued that sometimes effort, as opposed to ability or achievement, can be considered relevant for the distribution of some benefit or treatment (section 3.4). We also noted that effort, in the sense of "exertion" (not "willingness"), can often be a criterion of access for a particular benefit or treatment (section 4.3). The meaning of "effort" in both cases is precisely the same, and in the case of an equitable opportunity, effort as a criterion of access is relevant just when effort is relevant to the ends which the opportunity is meant to serve.

5.5 The limits of compensation

We maintain that there are several different interpretations of "equal opportunity" and we are using the term "equitable opportunity" to cover all of them. One of the major issues separating these interpretations is their relative weighting of considerations of merit and need, and their corresponding willingness to provide compensation. Because of scarcity, it is extremely difficult, if not impossible, to compensate for all the needs of persons, even within a relatively limited sphere like that of educational needs. Some standards of efficiency, therefore, usually assume importance in moderating what, ideally, a theory of equitable opportunities might recommend.

What can be compensated for? This is partly an empirical question, but in practice it assumes a strong normative component, in relation to different ideals

of what humans are and might become. How far back into the past should one look for compensable needs? If opportunity is "transitive", and an opportunity for Y is a necessary precursor to having an opportunity for Z, then are there further precursors to having an opportunity for Y, and so on back to birth? This line of questioning has led some authors to suggest that equitable opportunities are possible only when infant care is fully regulated and standardized from birth, and perhaps even earlier, through genetic control.[30] While this particular claim may be overly biased in favor of the sameness component of equity, it certainly makes clear the importance of setting some limits on how much society can and will compensate for.

Can one compensate for "effort" in the volitional sense, that is, for willingness itself? If a person refuses one opportunity after another, can one infer that there are external factors still constraining the existence of opportunities as opportunities for this person? We believe that such a conclusion must be drawn with extreme care, since the "willing component" is not constitutive of whether an opportunity exists or not, and an attempt to "compensate" for willing, in the sense of strict determinism, precludes any discussion of "opportunities" at all. In designing compensations and in planning to provide equitable opportunities, one always works in a region of expectability or, as Robert Ennis puts it, "prospective retrospection".[31] That is, one designs conditions of access and compensations in order to provide the greatest likelihood, prospectively, that one will be able to say, retrospectively, that an equitable opportunity obtained. Prospective retrospection acknowledges that one always works with limited knowledge. If persons do not take advantage of what were, prospectively, opportunities, then hindsight alone does not reveal that there were

not opportunities after all (although such an outcome, by supplementing one's knowledge and understanding, may affect future planning). Prospective retrospection reflects the fact that one must plan on the basis of what one expects will provide equitable opportunities; no more can be asked. This point merits close attention, we believe, because it makes clear the indeterminate character of judgments concerning the equitability of opportunities.

Finally, as Myron Lieberman points out, there may be limits on what can be done to provide equitable opportunities when ideally desirable practices conflict with other social goals and needs.[32] Lieberman suggests that the best one can hope for is that these limits be set by democratic consensus; as an acknowledgment of how society actually applies ideal principles, Lieberman's insight is worth keeping in mind.

We turn now to the consideration of alternative interpretations of what it means to have an "equal opportunity". We use the term because others do; of course, we prefer the term "equitable opportunity" as a more inclusive and less ambiguous term. While the fundamental nature of certain disputes may make these different interpretations irreconcilable, we try to clarify the conceptual and normative assumptions behind these interpretations, in order that the differences might at least be discussed with an acceptable common terminology and some degree of mutual understanding.

5.6 Varieties of "equal opportunity": formalism and actualism

The concept of "equal opportunity" is open to three distinguishable interpretations. Following common terminology, we label these formalism, actualism, and equal results. These distinctions have been made before, sometimes using

different terms, but never have they been made in a thorough and systematic way; that is our purpose here. Within these three broad categories, finer distinctions can be made; furthermore, given different determinations of relevance, and different conditions or criteria of access, even two identical interpretations of "equal opportunity" could have substantially different applications.

Formalism is, historically, the earliest interpretation of "equal opportunity", and it manifests the particular bias that gives us the term "equal opportunity"; for under the formalist view, opportunities should be "equal", that is, the same for all. So long as conditions of access for a particular benefit or treatment are identical for every person under consideration (for example, rules of admission), then opportunities are equal, whether or not everyone possesses the necessary criteria of access called for. The formalist view, then, places special emphasis upon the sameness component of equity.

Second, formalism places a greater emphasis on merit, with a correspondingly low concern for providing compensation of any sort. What formalists consider relevant is usually quite narrowly-defined; they consider only what is strictly relevant to the treatment at hand and not, for example, the concerns of broader social reform. A formalist stance in the Bakke case, for example, would imply that one should not use race as a condition of access to professional school, even when the adoption of this condition might have good effects on the large scale (equalizing representation of minorities among the professions), if the condition is irrelevant to the practice of the particular profession itself. The ends which determine relevance for formalists, therefore, tend to be strictly related to efficiency and utility.

Third, formalists, when determining whether or not someone has an opportunity, tend to place a greater degree of trust in the ability of persons to "make their own way". The criteria of access for a particular treatment would, under the formalist approach, be quite rigidly defined, under minimal standards of relevance; persons who do not already possess those criteria must, if they are to acquire the treatment, gain them through their own effort.

Formalism, then, is characterized by an emphasis upon equal (same) opportunities, by meritocratic standards of relevance, and by a greater faith in the ability of persons to "make their own opportunities" through effort and self-determination. For these reasons, formalists place little or no importance on compensation; they are concerned strictly with the formal features of the opportunity setting (the ATR). Where compensation is considered at all, compensatory options are limited by the formalist belief that the disadvantage of some persons is "their own fault"; in this sense, they would sharply distinguish "disadvantage" from "need". For obvious reasons, formalism has been characterized as a "conservative" view, which is at once this interpretation's greatest limitation and its greatest appeal.

Actualism, of which we distinguish two varieties, is the most popular current alternative to the formalist view. In general, actualists are concerned with what actually constitutes an opportunity for persons; it is not enough, according to actualists, to merely "open the door" formally without considering what other barriers might in fact restrict access. For this reason, actualism places a greater degree of emphasis on the ways in which persons differ and might require different, appropriate treatment, including the availability of various compensatory alternatives. Here actualism places a greater emphasis

on the fairness component of equity. Furthermore, in planning these compensations, actualists are willing to consider a wider variety of characteristics of need as well as of merit.[33]

One version of actualism is compensatory actualism. The compensatory actualist is not concerned only with the "equitability" of opportunities, but also with the degree to which these do or do not exist as opportunities for persons. Criteria of access must not only be relevant; they must, according to this view, be available to those persons who do not already possess them. The compensatory actualist pays greater attention to need as a real constraint upon opportunities; it is the hope of this view that once compensatory options are available, the only barrier to persons who desire access to certain treatments or benefits will be their own willingness to pursue the opportunities available.

The second version of actualism, alternative actualism, is not concerned as much with the provision of different routes of access to a common goal, but with the provision of alternative routes of access to different goals which are equivalent. Alternative actualism places an even higher degree of emphasis on the Fairness Principle than does compensatory actualism, since it is possible that the treatments of different persons might be dissimilar in every way (although some outcome, perhaps one so vague as "happiness," is equalized). Alternative actualism seems especially appropriate in cases where compensation is not possible; for example, everyone does not have the physical skills to play basketball well, but it may be desirable to provide opportunities to play other sports instead, with similar levels of exercise or satisfaction as a result. Alternative actualism also makes a greater concession to the subjective

factors that make a person likely or unlikely to take an opportunity; by providing a range of alternative routes and goals, it seeks to increase the likelihood that one alternative or another will be attractive to these persons.

Formalism and actualism share the characteristic of being procedural views of "equal opportunity"; that is, the opportunity consists in the application of certain rules and in the provision of access to certain treatments, whether or not persons actually take advantage of that opportunity. Actualists, of course, may take it as a failure of compensatory options or alternatives when persons do not in fact use them, but this in itself is not a failure to provide an "equal opportunity", insofar as those persons were making their own choices. That expected results fail to occur is at most only an indirect measure of the failure to provide an "equal opportunity", as we argued in section 4.2. This consequence of formalism and actualism, however, has caused some authors to take what appears to be an even stronger view, namely, that opportunities are "equal" only when results are "equal".

5.7 Equal results and equitable opportunities

Since James Coleman's landmark study in 1966,[34] many authors have come to hold the view that "equal opportunity" means "equal results". In light of the limitations of so-called "procedural" views, it is easy to see why the equal results interpretation holds some appeal. First, it holds forth the goal of full equality of outcomes (under one of several definitions of "equal"); in the particular case of education, such an interpretation of "equal opportunity" would hold special appeal, at least for certain types of outcome (one might not desire exactly identical educational outcomes; diversity in skills and knowledge does have value). Second, the equal results view seems to be a natural extension

of actualism; if results haven't been equalized, then the compensations and alternatives haven't been successful, and so one has failed to provide an "equal opportunity". In this section we review briefly the four most common versions of the equal results interpretation; in the end, we conclude, they all fail as interpretations of an "equal opportunity", although they may be desirable social goals on other grounds.

Same results. This version is the most straightforward. What one hopes for is a strict equalization of outcomes; by some measure they should be identical. One might desire, in the case of education, an equalization of reading levels for school-age children. In achieving this goal, however, it may be necessary to invoke certain methods, such as "holding back" some persons, which conflict with other goals or principles--in particular, with the opportunities of those persons who are held back. It is doubtful whether equalization is otherwise possible.

Same progress. A second alternative is to work towards the goal of insuring equal progress for each person from his/her relatively different starting point. In schools, for example, this policy would represent an improvement, if realized, over the present state of affairs, in which some differences actually widen over time, but it might not narrow differences, either.

Minimal achievement. A third alternative is to claim that an "equal opportunity" means the attainment of some minimum common goal for all persons under consideration. While this may not diminish inequalities of some outcomes, it could have other desirable social effects.

Proportionate results. This interpretation, since the Bakke dispute, has become one of the more popular views of what it means to have an "equal opportunity".[35]

According to this interpretation, an equal opportunity exists only when the proportionate representation of each significant group in society is constant throughout every level of achievement. If the only obstacle to opportunity was the choice of persons, according to this reasoning, then one should expect to find roughly proportionate numbers from any subsection of society (of course, this neglects the fact that some groups, for cultural reasons, may actively prefer certain alternatives).

Unfortunately, it must be said that these are not views of "equal opportunity" at all; they are not views of opportunity.[36] It is an essential feature of an opportunity that it can be ignored or passed up;[37] therefore, the actual outcomes of opportunity-choices can never be held up as measures in themselves of whether or not an opportunity existed; "equal opportunity" or "equitable opportunity" is a basically procedural principle, in which the procedures are evaluated in terms of their expectable results. If in fact these results do not occur, it may cause one to look again at the established rules and procedures, but to the extent that persons are making their own choices, the determination of when an opportunity is equitable must be made before the choice, not after. Moreover, to the extent that equal results interpretations assume that it is possible to compensate even for the choices and efforts which persons make, they lose sight of a fundamental feature of an opportunity, namely, that the processes by which persons will to take an opportunity do not constitute the opportunity, and are therefore not subject to compensation. Different versions of the equal results view may propose desirable social ends, but they cannot be justified in terms of an "equal" or an "equitable" opportunity, nor can it be assumed that fulfillment of equitable opportunities for persons will necessarily have these results.

The dispute between procedural and results-oriented interpretations of "equal opportunity" is not new, and it has never been conclusively resolved; but we believe that a careful study of what it means to have an opportunity shows the equal results interpretation to be fundamentally mistaken.

5.8 Summary

In writing this paper, it is our self-avowed purpose to develop a comprehensive analysis of an "equitable opportunity" in order to clarify the conceptual and normative assumptions underlying different interpretations of "equal opportunity". Therefore, Part V has been the most important, and probably the most controversial, section of this paper. If we have not succeeded here, in at least clarifying the basic issues, then we have not succeeded at all.

Our first discussion concerned the nature of an "equitable opportunity"; we concluded that an opportunity for X is equitable just when the criteria of access for X are relevant to some given end, and where X is helpful or necessary for the achievement of that end by the persons under consideration. Following this discussion we addressed the issue of how one might provide an equitable opportunity to persons who do not have one; in particular, we described two methods, one involving a change in the conditions of access (rules of admission, environmental circumstances of an institution, costs, etc.), the other involving compensation, that is, the provision of ATR's whose expectable results are the criteria of access which the persons lack. Compensation is justified by the relevant needs of persons under consideration. Finally, we discussed certain constraints upon the range of compensation.

We followed with a review of the common interpretations of what an "equal opportunity" means. These interpretations fell under the categories of

formalism, actualism, and equal results. It is, we hope, a feature of our conceptualization of an "equitable opportunity" that both the formalist and actualist interpretations find within that conceptualization a framework for the empirical and evaluative judgements over which they differ. In reviewing the equal results interpretation, finally, we concluded that there is a serious conceptual misunderstanding over the relevance of results in judging the status of an essentially procedural principle. It is not, we believe, a bias in our conceptualization that makes results irrelevant to such judgements; rather, we believe that it is a consequence of the meanings of the terms involved--in particular, of "opportunity". Therefore, if the equal results interpretation does not stand "under our umbrella", we hope to have made clear why this is so, whatever might be the merits of the equal results view on other egalitarian grounds. "Equal opportunity for education", for example, does not mean the same as "equality in education".

In conclusion, we warn that the lines between these interpretations cannot be drawn sharply; in fact, most writers on these issues cannot be readily assigned to one category or another. Formalism, actualism, and equal results comprise tendencies of interpretation; to use Wittgenstein's term, there is a "family resemblance" of attitudes and value judgements which characterize the proponents of each view, and such characterizations are always something of an abstraction when applied to the undifferentiated range of human beliefs. Our categories are worthy, if at all, by virtue of their usefulness in framing discussions of "equitable opportunities".

In the final section of this paper, we turn to some general observations concerning equitable opportunities, and in particular their applicability in discussions of education. As our treatment of conceptual issues ends here, however, we hope that the basic meaning of "equitable opportunity" has been made clear.

PART VI

CONCLUDING REMARKS

6.1 Equitable opportunity and education

Consider the following phrases: "equal educational opportunity"; "equal opportunity for education"; "opportunity for equal education"; "equal opportunity in education". In much of the writing on equal opportunity and education, these terms have been used loosely and interchangeably. But they do not mean the same things. We have been careful to use the phrase "equal opportunity _for_ education, and with good reason. "Equal educational opportunity", the most common phrase, is ambiguous, because it can either mean an equal opportunity for education, as it should, _or_ an equal opportunity--insofar as education is concerned--for some _other_ benefit, such as employment; and that is clearly something different. "Equal opportunity _in_ education" is redundant, according to one author's argument,[38] because it is part of what we mean by "education" to provide certain opportunities for learning, so that an "opportunity in education' has no clear meaning. "Opportunity for equal education" simply misses the fact that one is concerned with comparing _opportunities_ as equal or as fair. "Equal opportunity for education" avoids each of these problems, and "equitable opportunity for education" is even better;it makes clear that one is discussing equitable opportunities _for_ something desirable.

Robert Ennis, whose fine article has guided this paper at several points, draws attention to the fact that disagreements over "equal educational opportunities" often arise from fundamental disagreements over the nature of a desirable _education_,[39] especially in view of the fact that persons may not desire or require the _same_ education. In terms of our framework, alternative conceptions of education would, on the one hand, change the criteria of access,

due to varying conditions of access in the educational setting and, on the other hand, change the determination of relevant characteristics on which the distribution of that education should be based. For example, consider two schools, one of which specializes in vocational training, the other in college preparatory work: the conditions of access (e.g., rules of admission) for each school would be different, requiring different criteria of access on the part of applicants; the relevant characteristics would be judged against a different standard in the case of each school, because of the different ends served.

Because our main concern in this paper is with the principle of equitable opportunity itself, we will not say more about alternative conceptions of education, which is itself a difficult and complex topic. Rather, we want only to make clear where a discussion of equitable opportunity bears upon education; it is an equally applicable principle in other areas of life (employment, health care, criminal justice, etc.). We have tried to make clear the potential basis for disputes over "equitable opportunities for education"; as Ennis points out, the locus for many of these disputes is in the concept of "education" itself.

6.2 Limitations of the discussion

Several authors have argued that attaining fully equitable opportunities for education is impossible.[40] If it <u>were</u> possible to control or compensate for every external facilitator and deterrent (to use Ennis's terms), then both equitable opportunities <u>and</u> equal outcomes would result;[41] but in fact this is not possible, and it may not even be desirable, on other grounds. The most important limitation, as mentioned earlier, is the scarcity of limited resources.[42] Myron Lieberman, therefore, suggests that we work toward the goal of eliminating

only those advantages which can be removed without endangering other social ends.[43] Such limitations, although they do not bear upon the conceptualization of the principle, do serve to place this theoretical discussion in a context of social and political reality. In short, one should not expect that opportunities will ever be perfectly equitable: rather, one should strive to make them more equitable, if possible.

Nevertheless, whether ideally possible or not, the principle of equitable opportunity is a widely accepted goal of educational policy, to be aimed at, if not achieved. But we have serious doubts about the adequacy of the principle, taken alone, as a guide to educational policy; we address these concerns at length in another paper, and can only summarize our views here.[44]

Taken by itself, the principle of equitable opportunity can be applied to a broad range of cases, given different ends and different determinations of relevance. In our own society, this principle has usually been interpreted in a meritocratic, individualistic, and competitive way.[45] Some persons, to be sure, would not see this as a criticism at all; but our point is that the principle is indeterminate[46] with regard to a broad range of educational and social outcomes. Therefore, we urge that equitable opportunity be considered a necessary, but not sufficient, basis for educational policy. With all that we have said, some of the most difficult questions remain to be asked.

NOTES

[1] See, for example, Gerald Ponder and Walter Doyle, "Schooling as Symbol: The Ideal of Equality" in Equality and Liberty in Education, Kappa Delta Pi, 1976, p.12.

[2] Some of the best articles on this subject, and the main sources for this paper, are:

W.T. Blackstone, "Human Rights, Equality, and Education" in Educational Theory, v.19 n.3, pp.288-298.

W.T. Blackstone, "The Principle of Equality and Educational Opportunity" in Proceedings from the Twenty-first Annual Meeting of the Philosophy of Education Society, 1965, pp.69-74.

T.D. Campbell, "Equality of Opportunity" in Proceeedings of the Aristotlean Society, 1974-75, pp.51-68.

James Coleman, "The Concept of Equality of Educational Opportunity" in Harvard Educational Review, v.38 n.1, pp.7-22.

Robert Ennis,"Equality of Educational Opportunity" in Educational Theory, v.26 n.1. pp.3-18.

Thomas F. Green, "Equal Educational Opportunity: The Durable Injustice" in Proceedings of the Twenty-seventh Annual Meeting of the Philosophy of Education Society, 1971, pp.121-143.

Myron Lieberman, "Equality of Educational Opportunity" in B. O. Smith and Robert H. Ennis, Language and Concepts in Education (Chicago: Rand McNally, 1961) pp.127-143.

[3] Israel Sheffler, quoted in Lee J. Cronbach and Patrick Suppes, ed., Research for Tomorrow's Schools (London; Macmillan, 1969), p.260.

[4] Educational Equity Research Grants Program, Spring, 1978, National Institute of Education, United States Department of Health, Education, and Welfare.

[5] Our research group is currently working on a paper dealing with these issues.

[6] We've borrowed this phrase from the title of an article by Onora Nell, "How Do We Know When Opportunities are Equal?", in Carol C. Gould and Marx W. Wartofsky, Woman and Philosophy (New York: Putnam and Sons, 1976).

[7] See:"Equal Educational Opportunity: Ideal or Ideology?", another paper our group has completed for the Institute for Research on Educational Finance & Governance

[8] Robert Nozick, Anarchy, State, and Utopia (New York: Basic Books, 1974), p.238.

[9] John Rawls, A Theory of Justice (Cambridge, Mass.: Harvard University Press, 1971) p.302.

[10] Ronald Dworkin, Taking Rights Seriously (London: Duckworth, 1977), pp.182,183.

[11] For an example of a rights-based theory of equal opportunity, see Blackstone, "Human Rights, Equality, and Education", op cit.

[12] Vincent Crockenberg read a provocative paper which introduced us to this issue at the Spring, 1977 meeting of the California Association for Philosophers of Education.

[13] See footnote #5.

[14] W.T. Blackstone, "On the Meaning and Justification of the Equality Principle" in Ethics, v.77 n.4, p.241.

[15] R.S. Peters, Ethics and Education (Palo Alto: Scott Foresman, 1966) p.49.

[16] B. Paul Komisar and Jerrold R. Coombs, "The Concept of Equality in Education" in Studies in Philosophy and Education, v.3 n.3, pp.223-244

[17] There is a slight ambiguity in this definition, in that the potential and actual instrumentality of some characteristics may conflict; that is, the characteristics may be potentially helpful, but actually harmful, etc.

[18] See, for eaxmple:
Richard A, Musgrave and Peggy B. Musgrave, Public Finance in Theory and Practice (New York: McGraw-Hill, 1976) p.216.
(Thanks to Henry Levin for this reference)

[19] Four articles make this point especially strongly:

Daniel Bell, "Meritocracy and Equality" in Power and Ideology in Education, Jerome Karabel and A. H. Halsey, eds., (New York: Oxford University Press, 1977), pp. 607-635.

Aharon Fritz Kleinberger,"Reflections on Equality in Education" in Studies in Philosophy and Education, v.5 n.3, pp.293-340.

Anthony Flew, "The Procrustean Ideal" in Encounter, v.50 n.3, pp.70-79.

Paul Nash, "Two Cheers for Equality" in Teacher's College Record, v.67 n.3, pp.217-223.

[20] Campbell, op cit,p.51.

[21] Ennis, op cit, p.5.

[22] Ralph Page, "Opportunity and its Willing Requirement" in Proceedings of the Philosophy of Education Society, 1976, pp.298.

[23] Felix Oppenheim, "Egaltarianism as a Descriptive Concept" in American Philosophical Quarterly, v.7 n. 2, p. 151.

[24] Ennis, op cit, p. 9.

[25] Ibid.

[26] Page, op cit, pp.296-305.

[27] Campbell, op cit, p.54, and Green, op cit, p.126.

[28] Page, op cit, p. 303.

[29] Philip Phenix, "Equality as Uniqueness" in Studies in Philosophy and Education, v.3 n.4, p. 333.

[30] Peters, op cit, p.67.

[31] Ennis, op cit, p.p.14.

[32] Lieberman, op cit, p. 142.

[33] Blackstone, "Human Rights, Equality, and Education", op cit, pp.291-292.

[34] Equality of Educational Opportunity (United States Office of Education ,1966)

[35] See, for example, Nell, op cit.

[36] Bell, op cit, p. 609, and Flew, op cit, p.71.

[37] Green, op cit, p.126.

[38] J. H. Gribble, "'Equality of Opportunity' in Education" in Education for Teaching, v.69, pp.38-47.

[39] Ennis, op cit, p.5.

[40] For example, see Lieberman, op cit, p.133.

[41] Bernard Williams, "The Idea of Equality" in Joel Feinberg, ed., Moral Concepts (London: Oxford University Press, 1969) p.169.

[42] Thomas I. Ribich, "The Case for Equal Educational Opportunity" in Martin Carnoy, ed., Schooling in a Corporate Society (New York: David McKay. 1972), pp. 177-193.

[43] Lieberman, op cit, p.142,

[44] See footnote #7.

[45] See, for example:

Samuel Bowles and Herbert Gintis, Schooling in Capitalist America (New York: Basic Books, 1976) ch. 4.

Brian Crittenden, Education and Social Ideals (Longman Canada Ltd. 1973) pp. 204-205.

C.A.R. Crosland, The Future of Socialism (New York: Schocken Books, 1963) ch. 8.

Edward P. Morgan, Inequality in Classroom Learning (New York: Praeger, 1977) ch. 1.

John Schaar, "Equality of Opportunity and Beyond" in Roland Pennock and Joh W. Chapman, eds. Nomos IX: Equality (New York: Atherton Press, 1967).

[46] Gregory S. Kavka, "Equality in Education" in Indeterminacy in Education, John E. McDermott, ed. (Berkeley: McCutchan Publishing, 1976) pp.211-252.

OTHER SOURCES

James S. Coleman, "Equality of Opportunity and Equality of Results" in Harvard Educational Review, v.43. n.1, pp.129-137.

Edmund W. Gordon, "Toward Defining Equality of Educational Opportunity" in L.P. Miller and E.W. Gordon, eds, Equality of Educational Opportunity (NewYork: AMS Press, Inc., 1974).

Robert J. Havighurst, "Opportunity, Equity, or Equality" in Andrew Kopan and Herbert Walberg, eds., Rethinking Educational Equality (Berkeley: McCutchan Publishing, 1974) pp.84-103.

Michael Jackson, "Equality of Educational Opportunity", unpublished paper.

James L. Jarrett, "The Meanings of Equality" in Sterling M. McMurrin, ed., The Conditions for Educational Equality (New York: CED, 1971) pp.3-33.

Richard D. Noonan, "Semantics of Equality of Educational Opportunity" in Teacher's College Record, v.76 n.1, pp,63-88.

John Perry, "Equality and Education: Remarks on Kleinberger" in Studies in Philosophy and Education, v.5 n.4, pp.433-445.

Donald Tunnell, "Equal Opportunity Revisited". Proceedings of the Philosophy of Education Society, 1978, pp. 304-315.